

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

| | | |
|------------------------|---|-----------------------|
| TRANSMETA CORPORATION, |) | |
| |) | |
| Plaintiff, |) | C.A. No. 06-633 (GMS) |
| |) | |
| v. |) | |
| |) | |
| INTEL CORPORATION, |) | |
| |) | |
| Defendant. |) | |

NOTICE OF DEPOSITION (HEWLETT-PACKARD COMPANY)

PLEASE TAKE NOTICE that, pursuant to Federal Rules of Civil Procedure 30 and 45, Plaintiff Transmeta Corporation will take the deposition upon oral examination of Hewlett-Packard Company, on the topics set forth in the attached Schedule, through one or more of its officers, directors, or managing agents, or other persons who consent to testify on Hewlett-Packard's behalf. The deposition will start at 10:00 a.m. on August 31, 2007 at the offices of Sheppard, Mullin, Richter & Hampton LLP, 333 South Hope Street, Forty-Eighth Floor, Los Angeles, CA 90071, or at a mutually-agreeable time and place, and will continue from day to day until completed. The deposition will be taken before a court reporter and will be recorded stenographically and by videotape. You are invited to attend.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Leslie A. Polizoti

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July 23, 2007

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CERTIFICATE OF SERVICE

I hereby certify that on July 23, 2007, I electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will send notification of such filing(s) to the following: Matthew J. Antonelli, John A. Halbleib, Karen E. Keller, and John W. Shaw.

I also certify that copies were caused to be served on July 23, 2007, upon the following in the manner indicated:

BY HAND and E-MAIL

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/s/ Leslie A. Polizoti

Leslie A. Polizoti

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SCHEDULE B

Transmeta requests that Hewlett-Packard identify in writing at least five (5) business days in advance of the deposition the name of person(s) designated by Hewlett-Packard, the job title of each such person(s), and the topic(s) on which each person(s) will testify.

DEFINITIONS

1. As used herein, "Transmeta" means Transmeta Corporation and all predecessors (merged, acquired, or otherwise), subsidiaries, parents, and affiliates thereof, and all directors, officers, and employees.

2. As used herein, "Intel" means Defendant Intel Corporation, and any and all predecessors (merged, acquired, or otherwise), subsidiaries, parents, and affiliates thereof, and all directors, officers, and employees.

3. "Hewlett Packard" means Hewlett-Packard Company or any of its partners, parents, affiliates, subsidiaries, divisions, directors, officers, principals, administrators, board members, employees, agents, servants, representatives, assigns, predecessors, successors, attorneys, experts, insurers and/or anyone acting or purporting to act on behalf of any of the foregoing.

4. "You" and "Your" means and includes Hewlett Packard.

5. "PDP-10" means the PDP-10 computer developed and manufactured by Digital Equipment Corporation starting in the late 1960s.

6. "Alpha MVT" means the Alpha computer with Motion Video Instruction extensions developed and manufactured by Digital Equipment Corporation starting in the 1990s.

7. "PA-RISC 1.1" means the PA-RISC 1.1 computer developed and manufactured by Hewlett-Packard starting in the late 1980s.

8. "PA-RISC 2.0" means the PA-RISC 2.0 computer developed and manufactured by Hewlett-Packard starting in the mid-1990s.

9. "HP PA-7100LC" means the HP PA-7100LC computer developed and manufactured by Hewlett-Packard starting in the early 1990s.

10. "Convex C3400" means the Convex C3400 supercomputer developed and manufactured by Convex Computer Company starting in the early 1990s.

11. "C4/XA" means the C4/XA supercomputer developed and manufactured by Convex Computer Company starting in the early 1990s.

12. "Saturn Architecture" means the family of computers incorporating the Saturn architecture developed and manufactured by Convex Computer Company starting in the mid-1980s.

13. "Document" is used in the broadest sense consistent with Rule 34(a), Fed. R. Civ. P., and includes all tangible things which come within the meaning of the terms "writings and recordings" used in Rule 1001, Fed. R. Evid. The term "document" includes, without limitation, physical objects and things, such as research and development samples, prototype devices, production samples and the like, as well as hard copies and electronic copies of computer software and electronic mail (e-mail). A draft, translation, or non-identical copy is a separate document within the meaning of this term.

14. Documents that "refer or relate to" any given matter mean documents that concern, contain, discuss, describe, analyze, embody, comment upon, identify, incorporate, summarize, refer to, relate to, reflect, state, constitute, comprise, or are otherwise pertinent to the matter or any aspect thereof.

15. "Thing" has the broadest meaning accorded that term by Rule 34, Fed. R. Civ. P., and includes every kind of physical specimen or tangible item, other than a document, in the possession, custody or control of Hewlett Packard.

16. A request for a "document" shall be deemed to include a request for a "thing." A request for a "thing" shall be deemed to include a request for a "document."

17. "Communication" or "communications" means the transmittal of information by any means.

18. The terms "identify" or "identity" when used in connection with an individual means providing the individual's full name, his or her home and business address, his or her present employer, his or her position, title or job description, and, if employed by You, the individual's dates and regular places of employment, and general duties. When used in connection with a company, corporation, association, or any other legal entity, these terms mean providing the full name and type of organization or entity, the address of its principal place of business, its date and place of incorporation, and its officers, directors and managing agents.

19. "Person" means any natural person or any business, legal or governmental entity, or association.

20. "And" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request any information or documents which might otherwise be construed to be outside of its scope.

21. "Any" and "all" shall be construed individually to mean each and every.

22. The singular shall include the plural, and the plural shall include the singular.

TOPICS FOR DEPOSITION

1. The identity and location of all documents and things concerning the following topics.

2. The identity, job title, and location of all persons knowledgeable about the following topics.

PDP-10 COMPUTER:

3. All facts and circumstances regarding virtual memory in the PDP-10 computer prior to February 10, 1992, including, but not limited to, function, structure and operation.
4. All facts and circumstances regarding the HRL and HLR instructions of the PDP-10 computer prior to December 2, 1994, including, but not limited to, function, structure, and operation.
5. All facts and circumstances relating to sales and offers for sale of the PDP-10 computer prior to December 2, 1994.
6. All facts and circumstances relating to the first public use of the PDP-10 computer prior to December 2, 1994.
7. All facts and circumstances relating to publications, submissions for publication, and presentations that refer or relate to virtual memory in the MC68030 microprocessor that were published, submitted, or presented prior to December 2, 1994.

ALPHA MVI COMPUTER:

8. All facts and circumstances regarding the Alpha MVI pack and unpack instructions prior to December 2, 1994, including, but not limited to, design, development, conception, reduction to practice, function, and operation.
9. All facts and circumstances regarding the Alpha MVI perr instruction prior to March 31, 1998, including, but not limited to, design, development, conception, reduction to practice, function, and operation.
10. All facts and circumstances relating to sales and offers for sale of Alpha MVI computers with the pack and unpack instructions prior to December 2, 1994.
11. All facts and circumstances relating to sales and offers for sale of Alpha MVI computers with the perr instruction prior to March 31, 1998.
12. All facts and circumstances relating to the first public use of the Alpha MVI pack and unpack instructions prior to December 2, 1994.
13. All facts and circumstances relating to the first public use of the Alpha MVI perr instruction prior to March 31, 1998.
14. All facts and circumstances relating to publications, submissions for publication, and presentations that refer or relate to the pack and unpack instructions in the

Alpha MVI that were published, submitted, or presented prior to December 2, 1994.

15. All facts and circumstances relating to publications, submissions for publication, and presentations that refer or relate to the perr instruction in the Alpha MVI that were published, submitted, or presented prior to March 31, 1998.

PA-RISC 1.1 COMPUTER:

16. All facts and circumstances regarding virtual memory in the PA-RISC 1.1 computer prior to February 10, 1992, including, but not limited to, function and operation.
17. All facts and circumstances regarding the deposit instruction of the PA-RISC 1.1 computer prior to December 2, 1994, including, but not limited to, function and operation.
18. All facts and circumstances relating to sales and offers for sale of the PA-RISC 1.1 computer with the deposit instruction prior to December 2, 1994.
19. All facts and circumstances relating to the first public use of virtual memory in the PA-RISC 1.1 computer prior to February 10, 1992.
20. All facts and circumstances relating to the first public use of the deposit instruction in the PA-RISC 1.1 computer prior to December 2, 1994.
21. All facts and circumstances relating to publications, submissions for publication, and presentations that refer or relate to the virtual memory in the PA-RISC 1.1 computer that were published, submitted, or presented prior to February 10, 1992.
22. All facts and circumstances relating to publications, submissions for publication, and presentations that refer or relate to the deposit instruction in the PA-RISC 1.1 computer that were published, submitted, or presented prior to December 2, 1994.

PA-RISC 2.0 COMPUTER:

23. All facts and circumstances regarding the MAX extensions of the PA-RISC 2.0 computer prior to July 9, 2002, including, but not limited to, design, development, conception, reduction to practice, function, structure, capabilities, and operation.
24. All facts and circumstances relating to sales and offers for sale of the MAX extensions of the PA-RISC 2.0 computer prior to July 9, 2002.
25. All facts and circumstances relating to the first public use of the MAX extensions in the PA-RISC 2.0 computer prior to July 9, 2002.

26. All facts and circumstances relating to publications, submissions for publication, and presentations that refer or relate to the MAX extensions in the PA-RISC 2.0 computer that were published, submitted, or presented prior to July 9, 2002.

HP PA-7100LC COMPUTER:

27. All facts and circumstances regarding the HADD, HSUB, HAVE, HSHLADD, and HSHRADD instructions of the HP PA-7100LC computer prior to August 31, 1995, including, but not limited to, design, development, conception, reduction to practice, function, and operation.
28. All facts and circumstances relating to sales and offers for sale of the HADD, HSUB, HAVE, HSHLADD, and HSHRADD instructions of the HP PA-7100LC computer prior to August 31, 1995.
29. All facts and circumstances relating to the first public use of the HADD, HSUB, HAVE, HSHLADD, and HSHRADD instructions of the HP PA-7100LC computer prior to August 31, 1995.
30. All facts and circumstances relating to publications, submissions for publication, and presentations that refer or relate to the HADD, HSUB, HAVE, HSHLADD, and HSHRADD instructions of the HP PA-7100LC computer that were published, submitted, or presented prior to August 31, 1995.

CONVEX C3400 SUPERCOMPUTER:

31. All facts and circumstances regarding the Convex C3400 Supercomputer prior to August 31, 1995, including, but not limited to, design, development, conception, reduction to practice, function, and operation.
32. All facts and circumstances relating to sales and offers for sale of the Convex C3400 Supercomputer prior to August 31, 1995.
33. All facts and circumstances relating to the first public use of the Convex C3400 Supercomputer prior to August 31, 1995.

C4/XA SUPERCOMPUTER:

34. All facts and circumstances regarding the paste instruction of the C4/XA Supercomputer prior to August 31, 1995, including, but not limited to, design, development, conception, reduction to practice, function, and operation.
35. All facts and circumstances relating to sales and offers for sale of the paste instruction of the C4/XA Supercomputer prior to August 31, 1995.
36. All facts and circumstances relating to the first public use of the paste instruction of the C4/XA Supercomputer prior to August 31, 1995.

37. All facts and circumstances relating to publications, submissions for publication, and presentations that refer or relate to the paste instruction of the C4/XA Supercomputer that were published, submitted, or presented prior to August 31, 1995.

SATURN ARCHITECTURE:

38. All facts and circumstances regarding any public version of a computer or computer system incorporating the Saturn Architecture, including, but not limited to, the operation, functions, structure, and capabilities of the Saturn Architecture in the public products.
39. All facts and circumstances regarding Saturn Architecture including, but not limited to, design, development, conception, reduction to practice, function, and operation.
40. All facts and circumstances relating to the first sale and first offer for sale of computers incorporating the Saturn Architecture
41. All facts and circumstances relating to the first sale and first offer for sale of computers incorporating the Saturn Architecture.